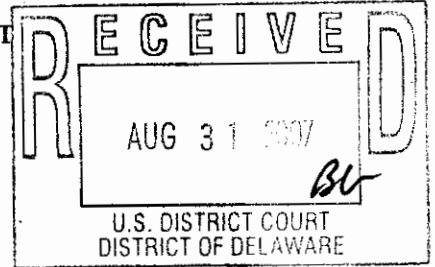


(Rev. 5/05)

**FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**



(1) Joseph T. Smith 469798
(Name of Plaintiff) (Inmate Number)

Po Box 9561 Wilmington, DE 19809
(Complete Address with zip code)

(2) _____
(Name of Plaintiff) (Inmate Number)

(Complete Address with zip code)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

vs.

(1) Lawrence Sullivan
(2) Kester Crosse
(3) Ralph Wilkerson
(Names of Defendants)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

07 - 528

(Case Number)
(to be assigned by U.S. District Court)

CIVIL COMPLAINT

• • Jury Trial Requested

I. PREVIOUS LAWSUITS

A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? ☒ Yes ☐ No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? ☐ Yes ☐ No
- C. If your answer to "B" is Yes:
1. What steps did you take? The administrative grievance procedure does not apply to this issue.
 2. What was the result? _____
- D. If your answer to "B" is No, explain why not: _____

III. DEFENDANTS (in order listed on the caption)

- (1) Name of first defendant: Lawrence M. Sullivan
 Employed as Public Defender at State of Delaware
 Mailing address with zip code: 820 N. French St. 3rd Floor
Wilmington, DE 19801
- (2) Name of second defendant: Kester Crosse
 Employed as Public Defender at State of Delaware
 Mailing address with zip code: 820 N. French St. 3rd Floor
Wilmington, DE 19801
- (3) Name of third defendant: Ralph Wilkerson
 Employed as Public Defender at State of Delaware
 Mailing address with zip code: 820 N. French St. 3rd Floor
Wilmington, DE 19801

(List any additional defendants, their employment, and addresses with zip codes, on extra sheets if necessary)

IV. STATEMENT OF CLAIM

(State as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets of paper if necessary.)

1. Defendants Crosse and Wilkerson were asked to file numerous motions on behalf of plaintiff (Joseph Smith), including a motion for suppression of evidence, which the defendants claim was denied. However, the plaintiff never received a copy of the motion or response.
2. Also, on February 20, 2007 the plaintiff requested that a motion for withdrawal of Plea Agreement be filed by the defendants on his behalf, but they refused. A motion was subsequently filed
3. pro se but was denied on the grounds that the plaintiff (Joseph Smith) is being represented by legal counsel. Defendants supplied the plaintiff with a color photograph of the Death Chamber at DCC as an act of intimidation to convince the plaintiff to accept the plea agreement.

V. RELIEF


(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. The plaintiff requests that the defendants named and the Public Defenders Office be placed under investigation by the Disciplinary Counsel, and that any disciplinary action deemed appropriate be taken immediately.

2. Plaintiff also requests monetary compensation
for pain and suffering caused by the
defendants' acts of intimidation and
manipulation.
3. Plaintiff requests that new counsel
be appointed to represent the plaintiff
through any and all remaining court
procedures.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 27 day of August, 2007

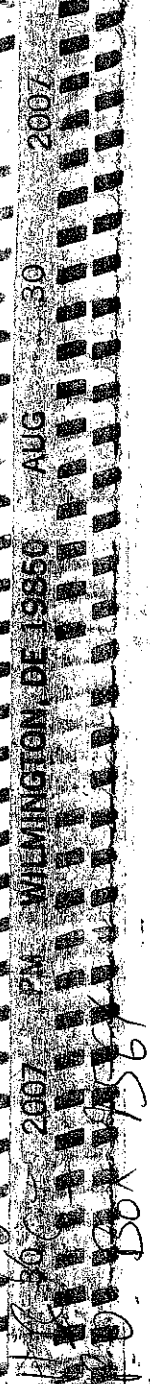

(Signature of Plaintiff 1)

(Signature of Plaintiff 2)

(Signature of Plaintiff 3)

Joseph Smith

46778

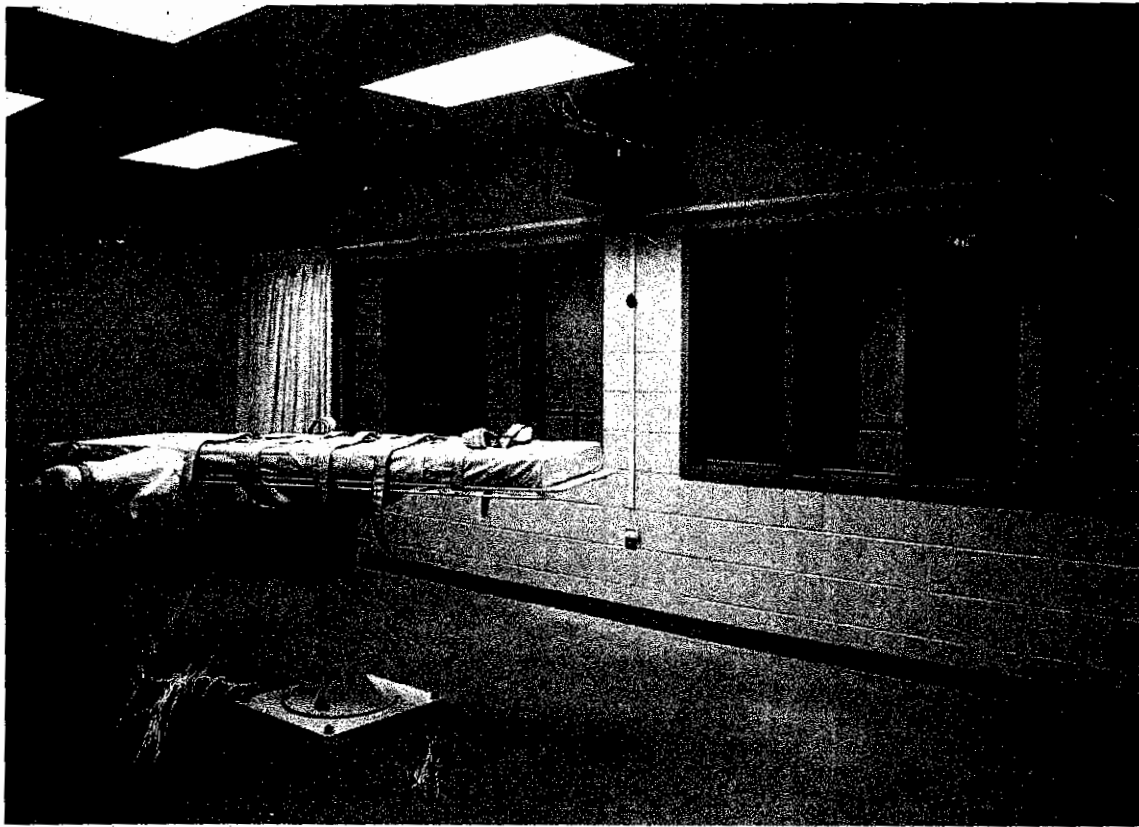


W.D. Box 19561
Wilm De 19809

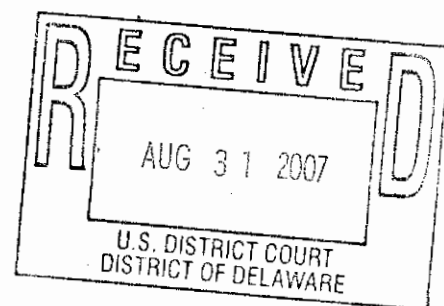
Clerk
U.S. District Court
Lockbox 18
844 N. King Street
Wilmington, De 19801

HOWARD R. YOUNG CORR. INSTITUTE
P.O. BOX 9561
WILMINGTON, DE 19809
INCOMING/OUTGOING MAIL
MAIL AND/OR MONEY ORDERS MUST STATE
FULL NAME AND ID NUMBER
DO NOT SEND CASH OR PERSONAL CHECKS
We are not responsible for losses or
money orders without the above information

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This is a copy of the picture they give me. Saying if I did not sign the plea this is where they would kill me at, and that my family would watch me through the over side of the glass.





PUBLIC DEFENDER OF THE STATE OF DELAWARE
ELBERT N. CARVEL STATE OFFICE BUILDING
820 NORTH FRENCH STREET, THIRD FLOOR
P.O. BOX 8911
WILMINGTON, DELAWARE 19801

LAWRENCE M. SULLIVAN
PUBLIC DEFENDER

Brian J. Bartley
CHIEF DEPUTY

KESTER I. H. CROSSE
ASSISTANT PUBLIC DEFENDER

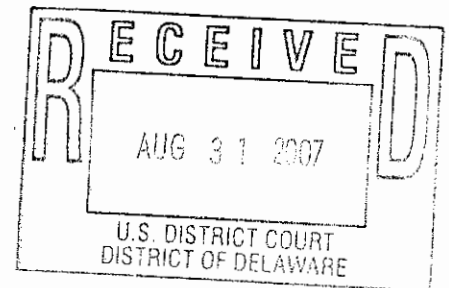
TELEPHONE
(302) 577-5129

February 27, 2007

07-528

Mr. Joseph Smith
SBI#469798
Howard R. Young Facility
P.O. Box 9561
Wilmington, Delaware 19809

Re: State of Delaware v. Joseph Smith
ID No. 0511010139



Dear Mr. Smith:

I have received your letter dated February 20, 2007. I received it on February 22, 2007. I must say that I disagree with it and I will come out to meet with you regarding the matter.

We have the State's report of your examination and they say that you are not guilty but mentally ill. This will mean that there will have to be a hearing to see if you are infact guilty but mentally ill.

I would not recommend withdrawing the guilty plea. Please make sure you discuss that with your family.

I will come to see you.

Very Truly Yours,


Kester I.H. Crosse
Assistant Public Defender

KIHC/mhb